

Application No.: 10/563,199
Filing Date: September 1, 2006

REMARKS

Claims 1 and 8-19 are presently pending. Of these, Claims 16-19 are withdrawn from consideration. The Patent Office objected to Claims 58 and 60-63 as being dependent on a rejected base claim, but these claims were otherwise not rejected. Claim 1 is amended to include the limitations of Claims 58 and 60-63 and Claims 58 and 60-63 are canceled. Claims 18 and 19 are amended in accordance with the amendments to Claim 1. Thus, pending claims are believed to be allowable. Claims 40-42 and 57-63 are canceled without prejudice. The following addresses the substance of the Office Action.

Objections

Claims 58 and 60-53 were objected to as being dependent on a rejected base claim. As noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63 and has canceled Claims 58 and 60-53, thereby obviating the objection.

Obviousness

Mackenzie et al. and Hymas et al.

Claims 1, 8 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (EP0415794A1) and Hymas et al. (U.S. Application Publication No. 2002/0150593). However, Claims 58 and 60-63 were not rejected and were only objected to as being dependent on a rejected base claim. As noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1 and 8 are not obvious. Claim 59 is canceled. Accordingly, the Applicant respectfully requests that the rejection be withdrawn.

Mackenzie et al., Hymas et al. and Brown et al.

Claims 1, 8-9, 11, 40-41 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (*supra*), Hymas et al. (*supra*) and Brown et al. (U.S. Patent No. 5,661,006). However, as noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1, 8-9, 11 are not obvious. Claims 40-41 and 59 are canceled.

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Mackenzie et al., Hymas et al. and Acree et al.

Claims 1, 8-10, 12-14, 40-41 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (*supra*), Hymas et al. (*supra*) and Acree et al. (U.S. Patent No. 4,824,785). However, as noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1, 8-10 and 12-14 are not obvious. Claims 40-41 and 59 are canceled.

Mackenzie et al., Hymas et al. and Jacobs et al.

Claims 1, 8-9, 15, 57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (*supra*), Hymas et al. (*supra*) and Jacobs et al. (U.S. Patent No. 6,682,745). However, as noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1, 8-9 and 15 are not obvious. Claims 57 and 59 are canceled.

Mackenzie et al., Hymas et al., Acree et al. and Jacobs et al.

Claims 1, 8-10, 12-15, 40-42, 57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (*supra*), Hymas et al. (*supra*), Acree et al. (*supra*) and Jacobs et al. (*supra*). However, as noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1, 8-10 and 12-15 are not obvious. Claims 40-42, 57 and 59 are canceled.

Mackenzie et al., Hymas et al., Brown et al. and Jacobs et al.

Claims 1, 8-9, 11, 15, 40-42, 57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie et al. (*supra*), Hymas et al. (*supra*), Brown et al. (*supra*) and Jacobs et al. (*supra*). However, as noted above, Applicant has amended Claim 1 to include the limitations of Claims 58 and 60-63. As such, Claims 1, 8-9, 11 and 15 are not obvious. Claims 40-42, 57 and 59 are canceled.

In view of the amendments to the claims, the various rejections under 35 U.S.C. § 103(a) are obviated. Accordingly, the Applicant respectfully requests that the rejections be withdrawn.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
ERP02.001APC1DV	11/849931	VACCINE COMPOSITION FOR VACCINATING DOGS AGAINST CANINE INFECTIOUS RESPIRATORY DISEASE (CIRD)	04-Sep-2007
ERP02.003APC	10/522513	CANINE RESPIRATORY CORONAVIRUS (CRCV) SPIKE PROTEIN, POLYMERASE AND HEMAGGLUTININ/ESTERASE	22-Jun-2006
ERP02.003DV1	12/239527	CANINE RESPIRATORY CORONAVIRUS (CRCV) SPIKE PROTEIN, POLYMERASE AND HEMAGGLUTININ/ESTERASE	26-Sep-2008

CONCLUSION

In view of Applicants' amendments to the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 9, 2010

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